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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,321	11/14/2003	Clifford Shiroku Shimizu	MV03-006	1232

7590 11/27/2006	EXAMINER
Michael B. Atlass	LUI, DONNA V
Unisys Corporation	

	ART UNIT	PAPER NUMBER
Unisys Way, MS/E8-114	2629	
Blue Bell, PA 19424-0001		

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/713,321	SHIMIZU, CLIFFORD SHIROKU
	Examiner	Art Unit	
	Donna V. Lui	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 September 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>14 November 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   **Claims 1-4, 7, 9-13, 16, 18-22, 25 and 27** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Advani et al. (Patent Number 6,057,839) in view of Brown et al. (Pub. No.:

US 2003/0142143 A1).

With respect to **Claim 1**, Advani teaches a method for displaying processor usage

(column 4, lines 30-34; column 5, 48-57), comprising: displaying on a display device a first

graphic type *(See figure 6A; column 9, lines 9-14; note that the first graphic type is a line graph)*

indicative of a processor where in one of the first graphic type is displayed for each one of at

least two processors in a multiprocessor system; and displaying on the display device a second

graphic type *(column 7, lines 60-64; note that there are many graphic types, such as*

instantaneous displays, pie charts and bar graphs, where the second graphic type is a bar

graph). Advani teaches graphic types are displayed as activity diagrams. Advani does not

mention displaying on the display device a second graphic type indicative of an application

group wherein one of the second graphic type is displayed for each one of at least two

application groups and wherein at least one graphic type is displayed for each of the at least two

application groups associated with each of the at least two processors.

Brown teaches displaying on a display device *(See figure 1, element 24; See figure 3A)* a graphic type *(See figure 3A, elements 56, 58, 60 and 62)* indicative of application groups *(See figure 3A, elements 56, 58, 60 and 62 correspond respectively to application 1, application 2, application 3, and application 4, where an application group is equivalent to an application)* wherein the graphic type is displayed for each one of at least two application groups.

Brown modifies the method of Advani by further displaying on a display device a graphic type *(the graphic type of Brown becomes the second graphic type after modification)* indicative of an application group for each processor such that the bar *(Brown: See figure 3A, element 55: bar)*, which displays the application groups is displayed adjacent to each first graphic type, such that in response to the position of a cursor over a graphic type *(note that a graphic type is equivalent to an application image)* a pop-up window appears displaying memory and CPU usage *([0066], lines 5-11; [0067])*. The modification results in a first graphic type displayed for each processor displaying processor utilization and a second graphic type for each processor indicative of application groups.

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the method of Advani by Brown that results in a method of displaying on a display device a second graphic type indicative of an application group wherein one of the second graphic type is displayed for each one of at least two application groups and wherein at least one graphic type is displayed for each of the at least two application groups associated with each of the at least two processors for the advantage of providing an improved graphical user interface *([0026])* and to convey application status for a processor *([0037], lines 1-3)*.

With respect to **Claim 10**, Claim 10 differs from claim 1 in that claim 1 is a method whereas claim 10 is an apparatus and recites the additional limitation "an apparatus for displaying processor usage, comprising: a multiprocessor system comprising a memory; a display device in electrical communication with the multiprocessor system; computer-executable instructions stored in the memory and operable." Advani teaches an apparatus for displaying processor usage *(column 3, lines 25-27; See figures 1 and 2)*, comprising: a multiprocessor system comprising a memory *(column 4, lines 51-59; See figures 1 and 2, elements 140, 135 and 125)*; a display device in electrical communication with the multiprocessor system *(See figure 1, element 105)*; computer-executable instructions stored in the memory and operable *(column 4, lines 61-64)*. Thus, the apparatus of claim 10 is analyzed as previously discussed with respect to the method of claim 1.

With respect to **Claim 19**, Claim 19 differs from claim 1 in that claim 1 is a method whereas claim 19 is a computer-readable medium and recites the additional limitation "a computer-readable medium bearing computer readable instructions for carrying out the acts comprising." Advani teaches a computer-readable medium bearing computer readable instructions for carrying out the acts comprising providing a visualization tool about a large number of processors and their activity *(column 3, lines 25-27; column 4, lines 59-64)*. Thus, the computer-readable medium of claim 10 is analyzed as previously discussed with respect to the method of claim 1.

With respect to **Claims 2, 11, and 20**, Advani teaches the method as recited in claim 1

wherein a color is indicative of an alternative graph that compares specific processor utilization

to the average utilization over time *(column 9, lines 40-43)*. Advani does not mention the second

graphic type comprises a color indicative of an application group.

Brown teaches the second graphic type comprises a color indicative of an application

group *([0065])*.

It would have been obvious for a person of ordinary skill in the art at the time the

invention was made to have a second graphic type comprising a color indicative of an

application group, as taught by Brown to the method of Advani so as to graphically represent

activity *([0044])*.

With respect to **Claims 3, 12, and 21**, Advani teaches the method as recited in claim 1

further comprising a graphic indicator indicating a group of the at least two processors wherein

the group is indicative of a processor clustering *(See figure 6B, element 625; column 9, lines 38-*

65; note that a graphic indicator indicative of processor clustering is shown in figure 6B which

compares statistics for each processor).

With respect to **Claims 4, 13, and 22**, Advani teaches the method as recited in claim 1

further comprising a graphic indicator of processor utilization associated with each of the at least

two processors *(column 9, lines 9-17)*.

With respect to **Claims 7, 16, and 25**, Advani teaches the method as recited in claim 4 wherein the graphic comprises a bar *(column 7, line 62-64)*.

With respect to **Claims 9, 18, and 27**, the method as recited in claim 1, Advani teaches an application group comprises at least one independently, computer-executable process *(column 9, lines 15-18; note that processor activity is equivalent to a computer-executable process)*.

3.   **Claims 5-6, 14-15, and 23-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Advani and Brown as applied to claims 1, 4, 10-13, 19 and 22 above, and further in view of Manghirmalani et al. (Patent Number: 5,819,028).

With respect to **Claims 5, 14, and 23**, the method as recited in claim 4, Advani and Brown do not teach the graphic indicator comprises a gauge.

Manghirmalani teaches a graphic indicator comprises a gauge *(See figure 3; column 8, lines 16-19)*.

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use a graphic indicator comprising a gauge, as taught by Manghirmalani to the method for displaying processor usage of Advani as modified by Brown so as to provide the operator with an easy-to-understand dial meter *(column 9, lines 4-5; note that a dial meter is equivalent to a gauge)*.

With respect to **Claims 6, 15, and 24**, the method as recited in claim 5, Advani and

Brown do not teach gauge bands reflecting ranges of processor utilization.

Manghirmalani teaches a dial meter reflecting ranges of a health score for a network or

device *(column 8, lines 39-53)*. Manghirmalani teaches the health score as correlated to

utilization, where a health score of 5 corresponds to utilization of 55%.

It would have been obvious for a person of ordinary skill in the art at the time the

invention was made to have a gauge band reflect ranges of processor utilization to the method for

displaying processor usage of Advani as modified by Brown so as to provide the operator with

an easy-to-understand dial meter *(column 9, lines 4-5)*.

4.   **Claims 8, 17, and 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Advani and Brown as applied to claims 1, 10, and 19 above, and further in view of Chin et al.

(Patent No.: 6,456,306 B1).

With respect to **Claims 8, 17, and 26**, the method as recited in claim 1, Advani and

Brown do not teach blocks associated with the graphic indicator to indicate an application group

assigned to a processor.

Chin teaches blocks associated with a graphic indicator to indicate the current operational

state of devices in a network *(See figure 6, elements 601-603; column 6, lines 48-52; note that

the icon is in the shape of a block)*.

It would have been obvious for a person of ordinary skill in the art at the time the

invention was made to have blocks associated with the graphic indicator to indicate an

application group assigned to a processor, as taught by Chin, to the method for displaying

processor usage of Advani as modified by Brown so as to provide a quick glance to the user

which processor is experiencing problems *(column 6, lines 52-54).*

Response to Arguments

5.   Applicant's arguments, see pages 6-12, filed 9/14/2006, with respect to claims 1-27 have

been fully considered and are persuasive. The rejection of claims 1-27 has been withdrawn.

6.   Applicant's arguments, see pages 6-12, filed 9/14/2006, with respect to the rejection(s) of

claim(s) 1-27 under 35 USC 102(b) and 35 USC 103(a) have been fully considered and are

persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration,

a new ground(s) of rejection is made in view of Advani, Brown, Manghirmalani and Chin.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Donna V. Lui whose telephone number is (571) 272-4920. The

examiner can normally be reached on Monday through Friday 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Amr Awad can be reached on (571)272-7764. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Donna V Lui
Examiner
Art Unit 2629

AMR A. AWAD
SUPERVISORY PATENT EXAMINER